

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 12-22 are currently pending. Claims 12-15 and 19 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 12-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,098,751 to Tamura et al. (hereinafter “the ‘751 patent”); Claims 19-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,178,293 to Suzuki et al. (hereinafter “the ‘293 patent”); and Claims 18 and 22 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Amended Claim 12 is directed to (1) an opening from which a content is filled; and (2) a flange extending outward from a circumference of the opening, wherein on an outer end surface of the flange, an end of an innermost layer disposed on an inner side of the container including an upper surface of the flange extends over and covers an end of an adjacent layer adjacent to the innermost layer and formed on the flange toward a bottom side of the container. The changes to Claim 12 are supported by the originally filed specification and do not add new matter.<sup>1</sup>

In a non-limiting example, Applicants note that Figure 3 illustrates an innermost layer 60a disposed on an inner side of the container including an upper surface of the flange, wherein the innermost layer extends over and covers an end of an adjacent layer 60b adjacent to the innermost layer and formed on the flange toward a bottom side of the container. In the

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<sup>1</sup> See, e.g., Figure 3 and the discussion related thereto in the specification.

non-limiting example shown in Figure 3, the end 601a of the first layer 60a extends to cover the end of the layer 60b.

Applicants respectfully submit that the rejection of Claim 12 as anticipated by the '751 patent is rendered moot by the present amendment to Claim 12.

The '751 patent is directed to a food packaging container having a flange container body of a laminate sheet comprising a layer of aluminum foil and at least one thermoplastic resin layer surface of the foil layer. As shown in Figures 2 and 7, the '751 patent discloses a first resin layer 3a that is to be joined to a heat sealing material 22 of a lid 21, and a second layer 3b separately joined to the rear side of the layer 3a.

However, Applicants respectfully submit that the '751 patent fails to disclose that the layer 3a extends over and covers an end of the layer 3b formed on the flange toward the bottom side of the container, as required by amended Claim 12. For example, even though, as shown in Figure 7, the '751 patent discloses that the layers 3a and 3b have a curled edge, the first resin layer 3a does not extend over and cover an end of the second resin layer 3b, as required by Claim 12.

Further, in this regard, Applicants note that the Office Action on page 3 cites to a heat sealing material layer portion 22a, which is part of the lid 21, not the container. Further, Applicants note that the heat sealing material layer portion 22a also does not extend over and cover an end of the resin layer 3b shown in Figure 7.

For the reasons stated above, Applicants respectfully submit that the rejection of Claim 12 (and all associated dependent claims) is rendered moot by the present amendment to that claim.

Claim 15 is directed to a packaging body, and recites limitations analogous to those recited in Claim 12. Accordingly, for the reasons stated above, Applicants respectfully

submit that the rejection of Claim 15 (and dependent Claims 16 and 17) is rendered moot by the present amendment to Claim 15.

Amended Claim 19 is directed to a manufacturing method of a container that is molded from a multilayer sheet, the container including a container body having an opening from which a content is filled; and a flange extending outward from a circumference of the opening of the container body with the peeled surface being formed, the method comprising: (1) forming the container body from the multilayer sheet; and (2) setting a cutting die on a surface opposite to an innermost layer located on an inner side of the container body, and die-cutting the multilayer sheet at an outer circumference of a part corresponding to the flange so that on an outer end surface of the flange, an end of the innermost layer disposed on the inner side of the container including an upper surface of the flange extends over and covers an end of an adjacent layer adjacent to the innermost layer and formed on the flange toward a bottom side of the container. The changes to Claim 19 are supported by the originally filed specification and do not add new matter.<sup>2</sup>

Applicants respectfully submit that the rejection of Claim 19 as anticipated by the ‘293 patent is rendered moot by the present amendment to Claim 19.

The ‘293 patent is directed to a multilayer container having a flange portion and an easily openable packaging container packaged by using the multilayer container, wherein the interlaminar strength of the multilayer container is smaller than the peeling strength between the flange portion and the lid member. Further, as shown in Figure 6, the ‘293 patent discloses that the multilayer sheet 31 is thermoformed into a container by holding the multilayer sheet with a sheet press ring 113, then fitting it to a mold 111 by a differential pressure means such as vacuum forming, pressure forming, etc.

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<sup>2</sup> See, e.g., Figure 8 and page 17, lines 14-16 in the specification.

However, Applicants respectfully submit that the ‘293 patent fails to disclose die cutting the multilayer sheet at an outer circumference part corresponding to the flange so that on an outer end surface of the flange, an end of an innermost layer disposed on an inner side of the container including an upper surface of the flange extends over and covers an end of an adjacent layer adjacent to the innermost layer and formed on the flange toward a bottom side of the container, as recited in amended Claim 19. Accordingly, Applicants respectfully submit that the rejection of Claim 19 (and dependent Claims 20 and 21) is rendered moot by the present amendment to Claim 19.

Thus, it is respectfully submitted that independent Claims 12, 15, and 19 (and all associated dependent claims) patentably define over any proper combination of the ‘751 and ‘293 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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